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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,654	02/16/2001	George Brookner	770P009677-US (PAR)	2968
2512	7590	04/21/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,654	BROOKNER ET AL.	
	Examiner	Art Unit	
	Charles Kyle	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/5/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase "personal computer bus protocols". Such protocols change over time and the language is thus indefinite.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase "wherein the internally stored identifier is readable by an external system". It is unclear whether the identifier is merely readable or is actually read as part of the invention; no positive recitation of reading is present in the Claims.

Claim 9 recites the limitation "the printing function" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-10, 14-21, 24-26 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,381,590 *Debois* in view of US 5,812,400 *Eddy et al.*

With respect to Claim 1, *Debois* discloses the invention as claimed, including in an device for securely storing a value indicative of funds available for use (Abstract; Fig. 3, ele. 25; Background of the Invention), comprising;

a first storage for storing said value (col. 3, lines 54-65);

an internally stored identifier within said device for providing a unique identification of said device (Col. 4, lines 52-56);

a second storage in said device for storing information assigning said device to operate in an initial operational application environment (Col. 5, lines 6-12); and

a communications interface (Fig. 2, ele. 37) for changing said information so as to assign said device to an application for servicing the device (Col. 5, line 6 to Col. 6, line 65, particularly Col. 6, line 12-65; Abstract, Summary of the Invention, recharging meter is read as “servicing”);

wherein the internally stored identifier is read by an external system (Col. 4, lines 52-56).

Debois does not specifically disclose that information in the device can be changed so that the device can be serviced at a new remotely located external application environment (e.g., can be recharged after relocation). *Eddy* discloses this limitation at Col. 6, lines 7-50. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of *Debois* to include the portability feature disclosed by *Eddy* because this would improve

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acceptance by device users without compromising security. See *Eddy* at Col. 6, lines 44-50 particularly.

Regarding Claims 2 and 3, *Debois* discloses a serial number, which is digital data/character string.

With respect to Claim 4, it inherent that the digital data cited would be stored in registers (circuitry) in the CPU as used by the CPU.

With respect to Claim 5, *Debois* further discloses:

an electrical connector for electrically connecting to said device (Fig. 3, ele. 4), and an interface for supporting communication between said device (Fig. 3, 313. 37) and an external system (Fig. 3, ele. 5), so that said device can be identified by said external system by reading said identifier (Col;. 4, lines 52-56).

With respect to Claim 8, *Debois* discloses a postal funds security device at Background and Summary of the Invention.

As to Claims 9 and 10, see the discussion of Claim 8 and *Eddy* further discloses open and closed postal system application environments at Col 6, lines 37-50.

With respect to Claim 14, *Debois* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Debois* further discloses configuring the device to operate in different applications at through reprogramming at Col. 6, liens 12-65, at least. *Debois* does not specifically disclose relation of the device identifier to the particular application. A broad, reasonable reading of this limitation is that to assign a task to a particular resource, one must first (and trivially) identify which resource is to be used. Official Notice is taken that such task

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assignment was old and well known at the time of the invention. For example, it was old and well known to specifically identify computer resources for task assignment. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Debois* to include such identification for reconfiguring for task assignment because this would avoid ambiguities in the task management process.

Claim 15 is a subset of Claim 14 and is rejected in a like manner.

With respect to Claims 16-18, see the discussion of Claims 15 and 2-4 respectively.

Regarding Claims 19-21, see the discussion of Claims 15 and 5. Further, reading a resource identifier is inherent to assigning it to an application.

Regarding Claim 24, see the discussion of Claims 15 and 8.

As to Claims 25 and 26, see the discussion of Claim 24 and *Eddy* further discloses open and closed postal system application environments at Col 6, lines 37-50.

With respect to Claim 30, see the discussion of Claim 14.

With respect to Claim 31, allowing function in a new environment would be obvious to provide portability for the device.

Claims 6, 11-13, 22 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,381,590 *Debois* in view of US 5,812,400 *Eddy et al* and further in view of US 5,689,098 *Gillerion*.

Regarding Claim 6, see the discussion of Claim 1. *Debois* discloses the invention substantially as claimed. *Debois* does not specifically disclose interface details. *Gillerion* discloses an RS-232 interface functioning with a postage meter to communicate with a computer

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“device” at Col. 3, lines 32-44. It would have been obvious to one of ordinary skill in the art at the time of the invention to include such an interface in the invention of *Debois* because this would provide a familiar and inexpensive route for communication between system components.

With respect to Claims 11-13, see the discussion of Claim 1. *Debois* does not specifically disclose a human readable identifier on the meter. *Gillerion* discloses such an identifier as a serial number at Col. 3, lines 32-44. It would have been obvious to one of ordinary skill in the art at the time of the invention to include such a plate having a serial number to uniquely identify the meter. It would further have been obvious to have correspondence between internal and external identifiers to avoid confusion in meter identification.

With respect to Claim 22, see the discussion of Claims 21 and 6.

With respect to Claims 27-29, see the discussion of Claims 15 and 11-13.

Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,381,590 *Debois* in view of US 5,812,400 *Eddy et al* and further in view of US 6,151,591 *Pierce et al*.

Regarding Claim 7, *Debois* discloses the invention substantially as claimed. *Debois* does not specifically disclose a virtual device. *Pierce* discloses a virtual postage meter, the same basic device as disclosed by *Debois*, at Summary of the Invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the postage meter of *Debois* in the virtual implementation of *Pierce* because this would provide advantages described by *Pierce* at Col. 3, line 63 to Col. 4, line 54.

With respect to Claim 23, see the discussion of Claims 24 and 7.

Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,381,590 *Debois* in view of US 5,812,400 *Eddy et al* and further in view of US 5,590,198 *Lee et al*.

With respect to Claims 32-33, the discussion of claim 31. *Debois* does not specifically disclose use of secure authorization of a postage meter (device). *Lee* discloses this limitation at Summary of the Invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to include such authorization in the method of *Debois* because this would help allow users to appropriately assign the device to new applications within their purview.

Response to Arguments

Applicant's arguments filed February 1, 2006 have been fully considered but they are not persuasive.

Applicant's argument regarding the rejection of Claim 6 under 35 U.S.C. 112 2nd para. is unpersuasive. Applicant asserts that one of ordinary skill in the art would know what "personal computer bus protocols" are at any point in time, but provides no evidence of standardization or specification of such protocols. It is unclear how a potential infringer would be able to identify the metes and bounds of the Claim. The rejection is maintained.

Applicant fails to address the under 35 U.S.C. 112 2nd para. rejection of Claim 9. The rejection is maintained.

Applicant's arguments regarding the newly claimed limitations are addressed by the application of the *Eddy* reference.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
April 18, 2006

Primary Examiner
Charles Kyle
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A handwritten signature in black ink, appearing to read "Charles Kyle", with a stylized flourish at the end.